

116TH CONGRESS
1ST SESSION

S. 196

To save taxpayer money and improve the efficiency and speed of intragovernmental correspondence, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 19, 2019

Mr. PORTMAN (for himself, Ms. HASSAN, Ms. HARRIS, Mr. HOEVEN, Mr. LANKFORD, Mr. DAINES, Ms. ERNST, Mr. JONES, and Mr. CARPER) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To save taxpayer money and improve the efficiency and speed of intragovernmental correspondence, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Modernizing Congres-
5 sional Reporting Act of 2019”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act—

8 (1) the term “acceptable electronic format”
9 means a file format and metadata elements author-

1 ized by the National Archives and Records Adminis-
2 tration for the transfer of permanent electronic
3 records—

4 (A) as set forth in—

5 (i) National Archives and Records Ad-
6 ministration Bulletin 2014–04: Revised
7 Format Guidance for the Transfer of Per-
8 manent Electronic Records, dated January
9 31, 2014, or any successor bulletin; and

10 (ii) National Archives and Records
11 Administration Bulletin 2015–04: Metada-
12 ta Guidance for the Transfer of Permanent
13 Electronic Records, dated September 15,
14 2015, or any successor bulletin; and

15 (B) that complies with the requirements of
16 the Office of Management and Budget Memo-
17 randum on the Managing Government Records
18 Directive, dated August 24, 2012 (M–12–18),
19 or any successor memorandum;

20 (2) the term “agency”—

21 (A) means—

22 (i) a Federal agency, as defined in
23 section 102 of title 40, United States
24 Code; and

1 (ii) an agency, as defined in section
2 552(f)(1) of title 5, United States Code;
3 and

4 (B) does not include the Government Ac-
5 countability Office;

6 (3) the term “congressionally mandated report”
7 means a report that is required to be submitted to
8 either House of Congress or any committee of Con-
9 gress, or subcommittee thereof, by a statute, resolu-
10 tion, or conference report that accompanies legisla-
11 tion enacted into law;

12 (4) the term “congressional office” means—

13 (A) an office of any committee or sub-
14 committee of the Senate or the House of Rep-
15 resentatives, including any select or special
16 committee;

17 (B) an office of any individual Senator or
18 Member of the House of Representatives;

19 (C) a leadership office of the Senate or the
20 House of Representatives; and

21 (D) Congress or any House of Congress;

22 (5) the term “open format” means a file format
23 for storing digital data based on an underlying open
24 standard that—

1 (A) is not encumbered by any restrictions
2 that would impede reuse; and

3 (B) is based on an underlying open data
4 standard that is maintained by a standards or-
5 ganization;

6 (6) the term “recorded information” includes
7 all recorded information, regardless of form or char-
8 acteristics; and

9 (7) the term “structured data” has the meaning
10 given the term in National Archives and Records
11 Administration Bulletin 2014–04: Revised Format
12 Guidance for the Transfer of Permanent Electronic
13 Records, dated January 31, 2014, or any successor
14 bulletin.

15 **SEC. 3. ELECTRONIC TRANSMISSION OF REPORTS.**

16 (a) IN GENERAL.—On and after the date that is 30
17 days after the date of enactment of this Act, except as
18 provided in subsection (c) and to the extent specifically
19 required otherwise by law—

20 (1) any report or other recorded information re-
21 quired to be submitted to Congress by an agency
22 under any provision of law, and any response from
23 an agency to a request by a congressional office for
24 any report or other recorded information, shall only

1 be transmitted by the agency in an acceptable elec-
2 tronic format; and

3 (2) any structured data included in or with, or
4 used to create any chart included in or with, any re-
5 port or other recorded information described in
6 paragraph (1) shall be transmitted by the agency in
7 an acceptable electronic format for structured data.

8 (b) **FORMAT PREFERENCE.**—

9 (1) **IN GENERAL.**—In transmitting a report or
10 other recorded information described in subsection
11 (a) to a congressional office, an agency shall, to the
12 extent possible, provide the original electronic file or
13 an electronically converted file rather than a scanned
14 document, even if the document includes a signa-
15 ture.

16 (2) **SEARCHABLE SCANNED DOCUMENTS.**—
17 Each scanned document that is transmitted by an
18 agency to a congressional office shall be made
19 searchable via optical character recognition or other
20 means.

21 (c) **OTHER FORMATS.**—An agency that is required to
22 transmit a report or other recorded information described
23 in subsection (a) to a congressional office in an acceptable
24 electronic format may, if requested by, or otherwise agreed
25 to with, the congressional office—

1 (1) transmit the report or other recorded infor-
2 mation to the congressional office—

3 (A) in an electronic format that is not an
4 acceptable electronic format; or

5 (B) as a physical document;

6 (2) allow the report or other recorded informa-
7 tion to be reviewed in camera; or

8 (3) not transmit the report or other recorded
9 information.

10 (d) ROUTING.—If a congressional office designates a
11 method to receive reports and other recorded information
12 described in subsection (a) from agencies, each agency
13 shall transmit a report or other recorded information to
14 the congressional office using the designated method, un-
15 less otherwise requested by the congressional office.

16 **SEC. 4. PUBLISHING OF REPORTS.**

17 (a) IN GENERAL.—On and after the date that is 30
18 days after the date of enactment of this Act, any congres-
19 sionally mandated report, and any structured data de-
20 scribed in section 3(a)(2) and any transmittal letter asso-
21 ciated with the report, shall be posted on the public
22 website of the agency submitting the report—

23 (1) in an acceptable electronic format;

24 (2) in an open format;

1 (3) in accordance with the format preference
2 described in section 3(b); and

3 (4) at a uniform resource locator or similar lo-
4 cator that is changed as infrequently as possible.

5 (b) FREE ACCESS.—No fee, registration requirement,
6 or other access limitation shall be imposed on access to
7 any report required to be posted under subsection (a).

8 (c) OPEN ACCESS.—All reports, data, and other in-
9 formation posted under this section shall be available to
10 the public without restrictions, including restrictions that
11 would impede reuse of any or all elements of the informa-
12 tion.

13 (d) EASE OF ACCESS.—Each agency shall provide in
14 tabular form a list of all reports, data, or other informa-
15 tion required to be posted under subsection (a) that—

16 (1) is—

17 (A) accessible via a link posted at the foot-
18 er of the public website of the agency;

19 (B) accessible at a uniform resource loca-
20 tor or similar locator that is changed as infre-
21 quently as practicable;

22 (C) in a structure that is changed as infre-
23 quently as practicable and is as consistent with
24 the structure used by other agencies as prac-
25 ticable;

- 1 (D) searchable and sortable by, at a min-
2 imum—
- 3 (i) the title of the report;
 - 4 (ii) the date of publication of the re-
5 port;
 - 6 (iii) each congressional office receiving
7 the report, if applicable;
 - 8 (iv) the statute, resolution, or con-
9 ference report requiring the report;
 - 10 (v) the metadata elements of the re-
11 port;
 - 12 (vi) a unique alphanumeric identifier
13 for the report that is consistent across re-
14 port editions; and
 - 15 (vii) the serial number, Super-
16 intendent of Documents number, or other
17 identification number for the report, if ap-
18 plicable;
- 19 (E) available in an acceptable electronic
20 format for structured data, to allow for auto-
21 mated parsing of all data described in subpara-
22 graph (D) and download of all reports and as-
23 sociated structured data; and
- 24 (F) updated immediately upon posting of
25 the report, data, or other information; and

1 (2) contains links to download each report,
2 data, and other information.

3 (e) **TIMELY ACCESS.**—An agency shall post a report,
4 data, or other information required to be posted by the
5 agency under subsection (a) not later than 30 days after
6 the date on which the agency submits the report, data,
7 or other information to Congress.

8 (f) **REMOVING AND ALTERING REPORTS.**—An agency
9 may only change or remove, with the exception of technical
10 changes, a report, data, or other information required to
11 be posted by the agency under subsection (a) if—

12 (1) the head of the agency consults with each
13 congressional office to which the report, data, or
14 other information is submitted; and

15 (2) Congress enacts a joint resolution author-
16 izing the changing or removal of the report, data, or
17 other information.

18 (g) **RELATION TO THE FREEDOM OF INFORMATION**
19 **ACT AND REDACTION.**—

20 (1) **IN GENERAL.**—Nothing in this section shall
21 be construed to require the disclosure of information
22 or records that are—

23 (A) exempt from disclosure under section
24 552 of title 5, United States Code (commonly

1 known as the “Freedom of Information Act”);
2 or

3 (B) otherwise prohibited from disclosure by
4 law.

5 (2) REDACTION OF REPORT.—With respect to
6 each report, data, or other information required to
7 be posted by an agency under subsection (a), the
8 head of the agency shall—

9 (A) redact any information that may not
10 be disclosed under section 552(b) of title 5,
11 United States Code, or is otherwise prohibited
12 from disclosure by law, before posting the re-
13 port;

14 (B) only redact the information described
15 in subparagraph (A);

16 (C) identify where each redaction is made
17 in the report, data, or other information; and

18 (D) identify the exemption under such sec-
19 tion 552(b) under which each redaction is
20 made.

21 (h) WITHHOLDING INFORMATION.—An agency—

22 (1) may withhold information otherwise re-
23 quired to be disclosed under this section only if—

24 (A) the agency reasonably foresees that
25 disclosure would harm an interest protected by

1 an exemption described in section 552(b) of
2 title 5, United States Code; or

3 (B) disclosure is prohibited by law; and

4 (2) shall—

5 (A) consider whether partial disclosure of
6 information otherwise required to be disclosed
7 under this section is possible whenever the
8 agency determines that a full disclosure of the
9 information is not possible; and

10 (B) take reasonable steps necessary to seg-
11 regate and release nonexempt information.

12 (i) OPEN DATA REGISTRATION.—Not later than 30
13 days after the date of enactment of this Act, each agency
14 shall make the list described in subsection (d) available
15 to the public on Data.gov or a successor Federal open gov-
16 ernment data site, in a structure and format used by that
17 system.

18 (j) SUBMISSION OF REPORTS.—Nothing in this sec-
19 tion shall be construed to—

20 (1) relieve an agency of any other requirement
21 to publish a congressionally mandated report on the
22 website of the agency or otherwise submit a congress-
23 sionally mandated report to Congress or specific
24 committees or subcommittees of Congress; or

1 (2) impose any additional requirement to redact
2 any submission to or withhold information from any
3 congressional office.

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